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Report on the activities of the Office of Internal Oversight Services

Report of the Office of Internal Oversight Services on the audit of the activities of the Thessaloniki Centre for Public Service Professionalism

Summary

The present report is submitted pursuant to General Assembly resolutions 48/218 B, 54/244 and 59/272. Following separate requests by the Department of Economic and Social Affairs and the Greek Ministry of the Interior, Public Administration and Decentralization, the Office of Internal Oversight Services (OIOS) conducted an audit of the project entitled "Regional programme framework for Europe and the Commonwealth of Independent States: capacity-building and informative exchange", funded by the Government of Greece, to ascertain: (a) the achievement of the project's objectives since 2003; (b) the Department's compliance with the reporting requirements for the project; and (c) the economical and efficient use of project funds. Under the direction of the Department of Economic and Social Affairs, the Thessaloniki Centre for Public Service Professionalism, a core programme office facility based in Greece, was responsible for implementing project activities.

OIOS concluded that the programme performance of the project was poor. Only one activity was completed in 2004, and in 2005 only three activities were implemented. There were indications of a lack of commitment on the part of the Department to a single workplan against which it would monitor the performance of the Centre. The carrying out, at the behest of the Department, of an unplanned event and the Department's pursuit of another unplanned event had a negative impact on the implementation of the 2005 programme priorities endorsed by the Ministry in December 2004.

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There were also indications of the inefficient use of project resources by the Department. For example, without the knowledge of the resident Chief Technical Adviser, who had been recruited four months earlier to head the Centre, the Department recruited consultants to produce project outputs that should have been produced by Centre staff. Therefore, the basis for the Department's recruitment of some consultants is questionable. The Chief Technical Adviser and the Ministry questioned the necessity of some of the consultancies since Centre staff could have prepared such documents. As the Department had effectively assumed direct responsibility, through the use of consultancies, for the delivery of outputs for which the Centre was accountable, the Department should have clarified the respective responsibilities of the various parties for the implementation of the 2005 programme priorities.

Despite repeated requests by the Ministry, the Department did not comply with the project's biannual progress reporting requirement during 2004 and 2005. The two cumulative progress reports covering the period from October 1999 to June 2005 provided by the Department to the Government of Greece in response to the requests of the Ministry were considered to be inadequate for purposes of the reporting requirements specified in the technical cooperation agreement.

In its response to the draft audit report, the Department did not accept responsibility for the failure of the project. In addition, the Department rejected three of the four recommendations made by OIOS. OIOS, however, reiterated those three recommendations in its final report, dated 23 February 2007, issued to the Department and indicated its intention to submit the present report to the General Assembly. OIOS also requested the Department to provide additional comments, if any, for that final report. In its response, the Department acknowledged that there had been several failures that ultimately contributed to the non-achievement of the project's objectives and indicated its intention to learn lessons and thus improve the management of its technical cooperation projects. In particular, the Department indicated its intention to pursue the following more vigorously in future projects: (a) timely submission of all required reports; (b) completion of performance appraisals for all project personnel; and (c) conduct of project evaluations on a regular basis. However, the Department maintained its rejection of the recommendation calling for a comprehensive evaluation of the Centre and the establishment of accountability for its inadequate management. It stated that it would accept a reformulated recommendation to conduct a comprehensive evaluation of the Centre in order to establish accountability for the inadequate delivery of its outputs. The Department also maintained its disagreement that its use of consultants represented an inefficient use of project resources.

The present report highlights the major findings and conclusions of the final audit report, additional information provided by the Department of Economic and Social Affairs and issues that the Department has not agreed with.

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I. Introduction and background

1. The Department of Economic and Social Affairs has the exceptional authority, normally reserved for the Department of Management, to enter into technical cooperation agreements with donor Governments. As at October 2006, it was managing a portfolio of more than 400 technical cooperation projects with an aggregate annual budget of approximately $80 million. The project entitled "Regional programme framework for Europe and the Commonwealth of Independent States: capacity-building and informative exchange", funded by the Government of Greece, was one of those projects. The overall goal of the project was to promote sound governance in the countries of the region by supporting collective endeavours to enhance the role, professionalism, ethical values and standards of the public service.

2. As the executing agency, the Department of Economic and Social Affairs was responsible for managing the project's funds and ensuring the implementation of its activities through planning and monitoring and by providing backstopping and technical support to the Thessaloniki Centre for Public Service Professionalism. The Centre, a core programme office facility based in Greece, was responsible for executing the project's activities.

3. The Ministry for Foreign Affairs of Greece, through its Permanent Mission to the United Nations, was the Department's official counterpart for reporting purposes, and the Ministry of the Interior, Public Administration and Decentralization was the focal point for the Government of Greece for technical and substantive implementation. The steering committee, comprising representatives of the Department and of the donor Government, was responsible for the review and evaluation of the Centre's programme of work and corresponding budgets.

4. From the time of the project's inception in 1999 to 31 December 2005, the Government of Greece contributed a total of $2.76 million to the project, against which the cumulative expenditure as at 31 December 2005 amounted to $2.5 million. Approximately 48 per cent of the $2.5 million was spent during 2004 and 2005, the period covered by the current audit, mainly for the salaries of project personnel based in Greece.

5. The Thessaloniki Centre for Public Service Professionalism was the subject of an audit report of the Office of Internal Oversight Services (OIOS) issued in August 2004. That audit found delays in meeting the objectives of the project, which were attributed to delays in funding by the donor Government and weak monitoring by the Department. In order to improve the delivery of those outputs, the Department, in consultation with Greece, took important steps to strengthen the Centre, including the development of a new strategic direction and the recruitment of a new resident Chief Technical Adviser to head the Centre. The Department also recruited other international staff and made staff changes at Headquarters in New York to strengthen support for the project and took steps to expedite the disbursement of funds to the Centre.

6. The present audit was requested by the Department and the Ministry of the Interior, Public Administration and Decentralization separately. The Department and the Ministry disagreed on the project's reporting requirements, and the latter was also concerned that the Department may have misused project funds. The objectives of the audit were to ascertain: (a) the achievement of the project's objectives since

2003; (b) the Department's compliance with the reporting requirements for the project; and (c) the economical and efficient use of project funds. In conducting the audit, OIOS reviewed the relevant files and records maintained by the Department in New York, project files maintained in Athens and financial reports prepared by the Office of Programme Planning, Budget and Accounts. OIOS interviewed officials of the Department in New York as well as project staff and officials of the Ministry for Foreign Affairs and the Ministry of the Interior in Athens. In order to validate the statements made by the Department, OIOS also interviewed, in Athens, the former Chief Technical Adviser and the former Public Information Officer, who temporarily replaced the Chief Technical Adviser. The Department had informed OIOS that it could not provide some of the requested documents, including progress reports on the project, because they had been "subtracted from project files" by the former Chief Technical Adviser.

7. The present report highlights the major findings and conclusions of the final audit report (AN2006/540/01) as well as the areas of continuing disagreement between the Department and OIOS. The comments provided by the Department of Economic and Social Affairs in response to OIOS recommendations are summarized below in italics.

II. Programme performance

8. Owing primarily to the absence of a Chief Technical Adviser during most of 2004, the only substantive activity carried out that year was the review of the Centre's activities conducted by the Department in July 2004. That review resulted in an agreement, in December 2004, between the Department and the Ministry of the Interior on a new strategic direction for the Centre and a list of activities to be implemented in 2005. That year, only three activities were completed, including 2 of the 13 activities agreed on by the Department and the Ministry in December 2004. The activities carried out in 2005 were: (a) the meeting of the panel of advisers (experts) held in April 2005; (b) the international forum of experts and non-governmental organizations (NGOs) held in June 2005; and (c) the recruitment of 14 focal points to help promote the development of technical cooperation among the countries covered by the project.

9. The Department acknowledged that the Centre was unable to satisfactorily deliver its anticipated outputs. It explained that the poor performance of the project was due mainly to the incompetence and poor performance of the new Chief Technical Adviser, who was recruited by the Department in October 2004.

10. OIOS is of the view that the Department has not provided adequate justification for the Centre's failure to implement planned activities for 2005. Documents provided by the Department and reviewed by OIOS indicate the Department's dissatisfaction with the new Chief Technical Adviser's performance. Some of those records also show that the Chief Technical Adviser had requested the Department to review the progress made as well as obstacles encountered during the first six months after his recruitment. However, the only documented evaluation of the Chief Technical Adviser was performed in January 2006 after he had been informed by the Department of the non-extension of his employment contract. If a review of the Centre had been conducted earlier, as requested by the Chief Technical Adviser, the problems with the project would have been identified in a timely

manner and the conduct of substantive activities would have improved. Instead of identifying the problems of the Centre and taking appropriate remedial action, as requested by the Chief Technical Adviser, the Department chose to recruit and supervise consultants, without the knowledge of the Adviser, to prepare outputs for which the Adviser was accountable. In the view of OIOS, this management style undermined the effectiveness of the Centre and resulted in lack of ownership and accountability for project activities.

III. Planning and monitoring of activities

11. There was no clear, definitive workplan for 2004-2005 showing the timetable and the party responsible for the implementation of each activity of the project. As indicated above, on 6 December 2004, the Department and the Ministry of the Interior agreed on 13 activities that, in the view of the Ministry and the Centre, constituted the workplan for 2005. Although the Centre on the one hand and the Department on the other were directly involved in delivering the project's outputs, OIOS notes that the list does not show the timetable and the party responsible for the implementation of each activity. Furthermore, instead of focusing on the agreed activities, the Department convened a formal meeting of the panel of advisers in April 2005, which was not on the list of agreed activities. As a result, the international forum of experts and NGOs, which did figure on the list of agreed activities and should have been held earlier, was rescheduled to June 2005. A high-level ministerial meeting, which was on the list and should have been held within a month after the international forum, was not held. Instead, in November 2005, the Department commenced preparations for a training workshop on accountability and transparency, which was also not on the list of activities for 2005 but had been proposed by the international forum.

12. According to the Department, the programme framework document of October 1999 governed the activities of the Centre in 2004. OIOS considers this document to be broad and outdated. The Chief Technical Adviser, on the other hand, informed OIOS that the Centre had focused its efforts on the list of agreed activities for 2005, which he considered as the priority for that year. In its communication of December 2006 addressed to OIOS, the Ministry of the Interior also referred to the list of agreed activities as the priority for 2005, on which the Department had failed to deliver. Initially, the Centre and the Ministry of the Interior were not in favour of convening a formal meeting of the panel of advisers in April 2005, since the panel had been established to assist the Centre on an ad hoc basis. There was also no agreement on the training workshop on accountability and transparency. The Department's announcement of that workshop caused the Ministry to advise the Department, in late November 2005, not to pursue further activities of the project. In response, the Department announced its intention, in a December 2005 communication to the Government, to terminate the project. Prior to those exchanges, both the Ministry and the Department had been working towards continuing the project beyond its planned expiration date of 31 December 2005.

13. Responsibility for carrying out the project's activities was unclear. The Department explained that it was understood that the Centre, through the Chief Technical Adviser, was responsible for implementing each of the activities contained in the workplan and for that reason it was unnecessary to define a party responsible for each activity. In the opinion of the OIOS, the Department should

have clarified the activities for which the Centre was responsible and those for which the Department was responsible. This was necessary in particular because the Department had effectively assumed direct responsibility for implementing the project's activities by initiating consultancies and supervising the work of consultants, apparently without the knowledge of the Chief Technical Adviser, to carry out activities that fell within the purview of the Centre.

14. Furthermore, there was no provision for evaluation in any of the budget revisions proposed by the Department. Accordingly, the periodic evaluation, which was required by the technical cooperation agreement, was never performed. A comprehensive evaluation of the Centre was necessary to compare its objectives and programmes with those of other projects executed by the Department in the region in order to identify possible duplications. According to the Department, since both the 2003 audit and the present audit reviewed programmatic output, the conduct of a separate external evaluation to review programme achievements and/or results was not warranted, especially since the funds authorized by the Government were limited to the extension of the premises, the hiring of short-term staff and, ultimately, the liquidation of the Centre.

15. The Department stated that it was aware of the objectives, expected accomplishments and activities of the projects under its execution and was extremely mindful when formulating new projects to encourage synergies and complementarities among its activities, avoiding any duplicative programmes. The Department fully agreed, however, that an external evaluation of the Centre during its lifetime would have been beneficial and advised that it would ensure that evaluations would be conducted more consistently for future programmes. The Department also indicated that it intended to conduct a review of the failure of the Centre in order to draw important lessons on how to strengthen its operational activities.

16. Since there was no common understanding on the priorities of the Centre and the required periodic evaluation of the project was not conducted, the Department was not effective in its monitoring of the Centre's activities during 2005.

IV. Performance evaluation of staff

17. The Department did not conduct a proper performance evaluation of the Chief Technical Adviser and other staff of the Centre. There were no agreed workplans for the Chief Technical Adviser and the Public Administration Officer showing their major goals, key related actions and success criteria against which their performance could be evaluated. There were no midterm performance appraisals of the staff. The performance appraisal of the Chief Technical Adviser was done after he had left the project and was prepared by a staff member of the Department who appeared not to have been sufficiently involved in the supervision of his work. If a proper performance appraisal had been conducted, the strengths and weaknesses of the Chief Technical Adviser and other staff of the Centre might have been identified, thereby providing a basis for improved delivery of the Centre's outputs and greater transparency in human resources management.

18. The Department explained that it had on several occasions requested the Chief Technical Adviser to initiate the appraisal process in accordance with the Performance Appraisal System (PAS) guidelines, but no action was taken. The

Department provided a copy of instructions by its administrative staff along with the PAS form. However, the former Chief Technical Adviser informed OIOS that he had not received any instructions regarding PAS. In the view of OIOS, the Chief Technical Adviser's immediate supervisor should have explained PAS and, during orientation, reached an agreement with him on his workplan for a 12-month period showing major goals, key related actions and success criteria. In addition, the Chief Technical Adviser's supervisor, an official of the Department, should have carried out a midyear review to address the concerns contained in the Chief Technical Adviser's report covering the first six months of his tenure. This was not done, however.

19. The Department acknowledged that it should have been more proactive in ensuring the completion of the performance appraisal. In particular, it agreed that it should have more actively pursued the completion of the Chief Technical Adviser's performance appraisal in order to formally document both his annual workplan and the assessment of his performance, and considered this a lesson to be applied in future projects. The Department also indicated, however, that it had been able to determine the strengths and weaknesses of the Chief Technical Adviser without a performance appraisal. It reiterated that the absence of a performance appraisal did not signify that the Chief Technical Adviser had no workplan against which to perform and be assessed. Nevertheless, in the opinion of the OIOS, performance appraisal is an important element in the overall performance management process in which managers, supervisors and staff have roles to play. The Department's failure to acknowledge the importance of its role in the PAS process demonstrates a serious weakness in its management of the staff of the Centre.

20. In its response to the final audit report, the Department stated its intention to complete performance appraisals for all personnel in future technical cooperation projects.

V. Substantive progress reporting

21. In accordance with article 4.1 (a) of the technical cooperation agreement, the Department of Economic and Social Affairs should have provided the Government with biannual progress reports. However, despite repeated requests by the Ministry of the Interior, the Government was not provided with biannual reports in 2004 and 2005. In the Department's opinion, its reporting to the project steering committee and the two cumulative progress reports provided to the Government in June 2004 and June 2005 fulfilled the project's reporting requirement. The Department did not hold a meeting of the steering committee in 2004 at which a progress report could have been submitted, and no report was provided to the Government for the period from July to December 2005. According to the Department, there was nothing to report for the period since the project was inactive. OIOS found, however, that the project was active during 2004 and 2005. For example, in 2004, the project incurred expenditures totalling more than $500,000, including approximately $60,000 relating to official travel to Greece by staff of the Department in connection with the implementation of the project. From October 2004 to December 2005, the project incurred more than $600,000 in expenditures.

22. The Ministry of the Interior acknowledged having received only two cumulative progress reports covering the period from 1999 to June 2005. The first

report covered the period from the inception of the project in 1999 to 30 June 2004 and the second report covered the 10-month period ended 30 June 2005. It stated that both reports had been provided by the Department in response to its repeated requests, including one dated 30 June 2004. The Ministry did not accept the Department's view that those cumulative reports fulfilled the biannual progress reporting requirements of the project.

23. In its response to the final report, the Department accepted that it had not consistently provided biannual progress reports and reiterated that it had partially complied with the reporting requirements through the submission of the two cumulative reports referred to above. The Department indicated that it would vigorously pursue the timely submission of all reports for future projects.

VI. Financial reporting

24. Article 4.1(b) of the technical cooperation agreement requires the Department to provide the Government with annual financial statements as at 31 December of each year showing income, expenditures, assets and liabilities prepared in accordance with United Nations accounting and reporting procedures. According to the Ministry of the Interior, the Department did not comply with that requirement.

25. The Ministry acknowledged having received annual summary statements of receipts and expenditures prepared by the Office of Programme Planning, Budget and Accounts. However, it considered those statements to be inadequate and therefore requested detailed financial information in its communication dated 30 June 2004. The Department did not promptly respond to that request. It also did not implement a similar OIOS audit recommendation, which it had accepted, resulting from the 2003 audit of the Centre. That audit called upon the Department to provide the Government with more detailed annual financial statements showing income, expenditures, assets and liabilities to supplement the one-line annual summary statement of receipts and expenditures provided to the Government by the Office of Programme Planning, Budget and Accounts. A year after the Ministry's request of 30 June 2004, in a communication dated 27 July 2005, the Department responded to a second request of the Ministry, dated 13 July 2005, by submitting detailed financial data. The Ministry responded that it also considered those data to be inadequate in a communication to the Department dated 16 September 2006.

26. OIOS noted that the Department had also provided the Government with revised budgets that contained financial information for prior years, detailed at the category and object levels, which in the Department's opinion could have been used by the Ministry to supplement the statements provided by the Office of Programme Planning, Budget and Accounts. However, OIOS found that the budgets were not consistent in terms of the period covered, since they were prepared on an as-needed basis, or in terms of the level of detail of the information provided in them. For example, unlike budget revisions B and C of September and October 2003 respectively, budget revision D of February 2005 did not contain the names and nationalities of individuals receiving payments or the period during which services were provided or their duration. In addition, the budgets and summary statements of expenditure were transmitted to the Government separately and without any advice to the Government that it could satisfy its additional financial information need by using the budgets.

27. The Ministry acknowledged that some of the details it had requested were not usually found in typical project financial statements. However, it had expected the Department to respect its promise, made informally, to provide detailed financial data regardless of the limitation in the technical cooperation agreement.

28. The Department stated that it had complied with the financial reporting requirements as specified in the technical cooperation agreement and that it had adequately responded to the additional requirements of the Ministry. The Department clarified that the United Nations did not have any financial system in place that was able to report expenditures at the level of outputs and that the Government had been advised accordingly. It also indicated that, despite several follow-up discussions with the Permanent Mission, there had been no feedback from the Government of Greece, either orally or in writing, on a proposed financial reporting format communicated by the Department in late 2005. There was no clear evidence showing that the Department had transmitted a proposed format to the Ministry. Nevertheless, the Ministry stated that it had provided feedback in connection with a proposed format. In the view of OIOS, the financial reporting format should have been clarified in the technical cooperation agreement or through formal communications between the Department and the Government.

29. In response to the final audit report, the Department advised OIOS of its intention to ensure the timely submission of all required reports and to include additional language in future trust fund agreements indicating that the Department would provide an annual budget/expenditure report using the format reflected in an annex to the technical cooperation agreement.

VII. Use of consultancy resources

30. OIOS found no evidence showing that the Centre's funds had been used for non-project activities. However, OIOS questioned the need and, in one instance, the usefulness of some Department-initiated consultancies. According to the former Chief Technical Adviser, the usefulness to the project of the studies conducted by a consultant in February and March 2005 was not clear. That consultant had been hired by the Department in January 2005 (four months after the Chief Technical Adviser had been recruited), without the knowledge of the Chief Technical Adviser, who was responsible for the activities for which the consultant had been recruited. Therefore, the basis for the Department's recruitment of the consultant is questionable. The Chief Technical Adviser and the Ministry questioned the necessity of the consultancy since staff of the Centre could have prepared the documents produced by the consultant. This consultancy cost the Centre approximately $15,000.

31. Another individual, who attended the April 2005 meeting of the panel of advisers although he was neither a member of that panel nor a bona fide consultant of the Centre at the time of the meeting, was later awarded a consultancy contract, without the knowledge of the Centre, covering the period from 3 October to 4 November 2005. According to the Department, that individual had been recruited to modify the programme of work of the Centre on the basis of an analysis of the challenges and recommendations that resulted from deliberations of the April 2005 meeting of the panel of advisers and the June 2005 forum of international experts and NGOs. The Department provided OIOS with a document dated November 2005

on the future of the Centre, which it considered to be the output of this consultancy. An examination of that output revealed similarities to a document posted on the server of the Centre in Athens by an unidentified source and to another unofficial record of the April 2005 meeting prepared, without charge to the Centre, by another individual identified by the Chief Technical Adviser as a member of the panel of advisers. OIOS also questioned the usefulness of this consultancy, since the Department had already instructed the Centre to prepare the new programme framework document, which was required in order to seek the donor Government's approval for an extension of the project for an additional period from 2006 to 2009. A copy of the draft programme framework document was provided by the Chief Technical Adviser to OIOS. This consultancy cost the Centre approximately $5,000.

32. In order to ensure the efficient and economical use of project funds, the Department needed to seek the opinion of the Centre on all matters concerning procurement and use the Centre to supervise the consultants charged with the delivery of project outputs. In this regard, OIOS notes that the Department had strengthened the Centre by recruiting a new Chief Technical Adviser in October 2004, establishing the panel of advisers in December 2004 to assist the new Chief Technical Adviser on an ad hoc basis and recruiting a Public Administration Officer in the Professional category in early 2005. The Department explained that while it fully expected both the Chief Technical Adviser and the Public Administration Officer to produce much of the substantive input necessary for the accomplishment of the proposed workplan, they were unable to do so, which necessitated the recruitment of consultants. In the Department's opinion, the decision to recruit the consultants fell completely within the purview of the Department and did not require approval by the project staff.

33. While recognizing the authority of the Department, as the executing agency for the project, to procure project inputs, including consultants, OIOS stresses that each procurement action needed to be based on a documented needs assessment established through a credible, transparent process. The credibility of the Department's procurement actions would have been enhanced if the Department had involved the Centre in the needs assessment and in supervising the consultants recruited by the Department.

34. The Department recruited a third consultant to create an online facility that could be accessed by the beneficiaries of the project. However, the Ministry and the former Chief Technical Adviser were not aware of the existence of such a facility, which was also not available for review by OIOS. The former Chief Technical Adviser explained that the Centre's website had been shut down at about the time the consultant was recruited. At the time of the audit, the only website of the Centre (http://www.untc.gr), had been created by the Centre's own staff. The Department explained that afte. it had hired the consultant, it found that he did not have the required skills to complete such complex technical tasks. In view of this and considering the planned relocation of the Centre from Thessaloniki to Athens in mid-March 2004, it was decided to terminate the consultant's contract early. This consultancy cost the Centre approximately $13,000. The consultancy evaluation, which was signed in February 2004 by a senior official of the Department, indicated that the required deliverables had been provided.

VIII. Project liquidation

35. OIOS found no evidence indicating that the Department had violated article VII of the technical cooperation agreement on termination of the project, since both the Department and the Government knew that the agreement would expire on 31 December 2005. However, the Department should have consulted the Government on a liquidation plan, including the cost of liquidation. In its communication dated 5 December 2005, the Department informed the Government of its decision not to extend the employment contract of the Chief Technical Adviser, which expired on 31 December 2005, and to request the three remaining staff members (whose contracts expired 31 March 2006) to deal with the liquidation of the project, which would not be extended beyond 31 December 2005. The Department initiated these actions in response to a letter dated 3 November 2005 from the Ministry conveying its disapproval of a workshop on accountability and transparency, which was not in the 2005 workplan, and other activities of the project pending a thorough and professional external audit of the project. In the view of OIOS, the Department could have clarified, without commencing the liquidation of the project, the need to implement the training event. The Department could also have clarified the United Nations rules regarding external auditing without resorting to liquidation or the threat of liquidation.

IX. Recommendations

36. OIOS made the following recommendations with a view to establishing accountability within the Department of Economic and Social Affairs for the failure of the project and improving the management of technical cooperation projects by the Department. In its response to the draft audit report, the Department rejected three of the four recommendations made by OIOS. OIOS reiterated those recommendations, however, in the final report (AN2006/540/01 of 23 February 2007) issued to the Department and indicated its intention to submit the present report to the General Assembly. OIOS also requested the Department to provide any additional comments.

Recommendation 1

37. The Department of Economic and Social Affairs should conduct a comprehensive evaluation of the Thessaloniki Centre for Public Service Professionalism in order to identify factors that impeded the achievement of the project's objectives and establish accountability for its inadequate management.

38. *In response to the final audit report, the Department did not accept this recommendation, but stated that it would accept a reformulated recommendation to conduct a comprehensive evaluation of the Centre in order to identify factors that impeded the achievement of its objectives and establish accountability for the inadequate delivery of outputs. The Department acknowledged that there had been several failures that ultimately contributed to the non-achievement of the project's objectives. It stated that the audit had made several recommendations that were useful in strengthening the management of technical cooperation projects. In response to the draft of the present report, the Department informed OIOS that it had launched a management review, with the assistance of two senior external experts, to identify factors that had impeded the implementation of project activities*

and to establish accountability for the inadequate delivery of outputs. The experts will conduct their review in August and September 2007. OIOS maintains that the inadequate delivery of outputs also resulted from inadequate management. Therefore, OIOS reiterates that the Department should also establish accountability for the inadequate management that resulted in the inadequate delivery of the project's outputs.

Recommendation 2

39. The Department should establish accountability for the inefficient use of consultants, including the irregular sign-off of a consultant's contract indicating that deliverables had been provided when no such deliverables had actually been received.

40. *The Department did not accept this recommendation, stating that the project staff, including the Chief Technical Adviser, did not have the relevant skills and expertise to produce technical papers, which necessitated the recruitment of the two consultants referred to in paragraphs 30-33 above.* OIOS is unable to accept this response. While recognizing the Department's authority, as the executing agency for the project, to procure project inputs, including consultants, OIOS stresses that each procurement action must be based on a credible needs assessment. OIOS does not consider the evidence provided by the Department adequate to demonstrate that the staff of the Centre, including the Chief Technical Adviser, lacked the technical expertise to prepare technical papers or to assess the Centre's own capacity. The Centre, which had just been strengthened, needed to be part of any credible assessment leading to the Department's recruitment of consultants.

41. *In its response to the final audit report, the Department clarified that the third consultant, recruited to create an online facility, had produced the necessary outputs, thereby providing the basis for his evaluation in February 2004 and the subsequent payment of his remuneration. According to the Department, the initial consultancy was extended for one month, but the new contract was terminated after five days, as the consultant proved not to have the relevant expertise to accomplish the new assignment. The online facility produced by the consultant was not used because it was not activated by the new Chief Technical Adviser.* In view of the clarifications and additional information provided by the Department regarding the third consultant, OIOS accepts that the consultancy evaluation had been signed on the basis of the deliverables actually received. However, OIOS reiterates that the Department should establish accountability for the inefficient use of consultants referred to in paragraphs 30-33 above.

Recommendation 3

42. The Department should clarify with donor Governments the exact format required for financial reporting and include a specimen in an annex to all technical cooperation agreements.

43. *The Department accepted this recommendation and stated that it intended to vigorously pursue the timely submission of all required reports in future projects and to include additional language in future trust fund agreements indicating that the Department would provide an annual budget/expenditure report in accordance with the format reflected in annex A to the agreement.* The Department has drafted a revised standard trust fund agreement. A review of the draft agreement by OIOS

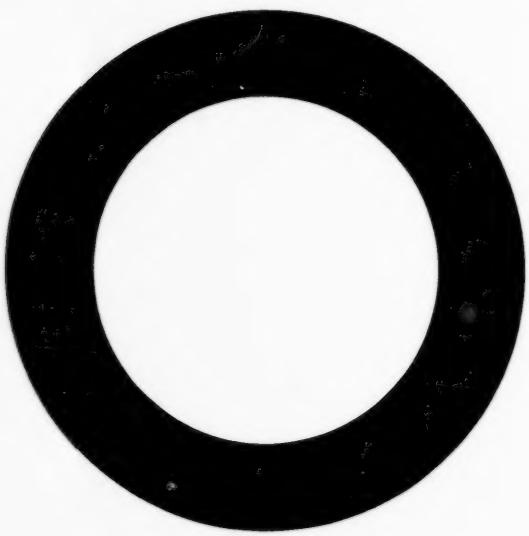
indicated the need for some improvements, without which the current problems associated with financial reporting might remain unresolved.

Recommendation 4

44. The Department should clarify with the donor Government whether the project will continue under its execution and take the steps necessary to either terminate the project or significantly improve its management.

45. *The Department accepted this recommendation and clarified that it had terminated the project on 31 October 2006 in consultation with the donor Government.*

(*Signed*) Inga-Britt **Ahlenius**
Under-Secretary-General for Internal Oversight Services



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Advancement of women

Violence against women migrant workers

Report of the Secretary-General

Summary

Pursuant to General Assembly resolution 60/139, the present report provides information on the legal and policy measures introduced by Member States and the activities undertaken by entities of the United Nations system and other organizations to address violence against women migrant workers. The report concludes with a series of recommendations for future action.

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I. Introduction

1. The General Assembly, in its resolution 60/139, while expressing deep concern at the continuing reports of grave abuses and acts of violence committed against women migrant workers, urged Governments to strengthen further their efforts to protect and promote the rights and welfare of women migrant workers. It proposed a series of measures to prevent violence, punish perpetrators and provide support and assistance to victims of violence.

2. In the same resolution, the General Assembly requested the Secretary-General to report to it at its sixty-second session on the problem of violence against women migrant workers and on the implementation of the resolution, taking into account updated information from the organizations of the United Nations system, in particular the International Labour Organization (ILO), the United Nations Development Programme, the United Nations Development Fund for Women (UNIFEM) and the International Research and Training Institute for the Advancement of Women (INSTRAW), as well as the International Organization for Migration (IOM) and other relevant sources, and reports of relevant special rapporteurs of the Commission on Human Rights/Human Rights Council.

3. The present report is submitted in accordance with the above-mentioned request and is based on, inter alia, information received from Member States (see para. 7 below) and entities of the United Nations system. In addition to those entities listed in paragraph 2, information was provided by the Division for the Advancement of Women of the Department of Economic and Social Affairs, the Economic and Social Commission for Latin America and the Caribbean (ECLAC), the United Nations Population Fund (UNFPA) and the United Nations Educational, Scientific and Cultural Organization (UNESCO). It is also based on information on the work of intergovernmental and expert bodies.

4. The issue of violence against women migrant workers was on the agenda of the General Assembly every year from 1992 to 1997, and since then it has been considered on a biennial basis.

5. The Beijing Platform for Action recognized migrant women workers as particularly vulnerable to violence (para. 116) and called for special measures to eliminate such violence and for services for this group of women (e.g., paras. 125 (b), 125 (c) and 126 (d)).

6. Women currently represent half of the world's international migrants. The experiences of women migrants differ from those of men. While migration provides new opportunities for women, it also often gives rise to discrimination. Women are exposed to violence at every stage of the migration cycle. Such violence includes sexual and gender-based violence, trafficking, domestic and family violence, racist and xenophobic acts and abusive labour practices (see resolution 60/139). As a means of enforcing contracts or debt arrangements, often in an illegal migration environment, women are subjected to violence or to the threat of violence against themselves or family members. Migrant women employed to do skilled and unskilled jobs tend to work in sex-segregated occupations that are generally informal and unregulated and offer little protection, putting them at greater risk of abuse and exploitation. Women migrant domestic workers are at high risk of exposure to violence, and their employment may not always be subject to monitoring, regulation or protection. Finally, migrant women also suffer as a result

of intimate partner violence. Their status as migrants may curtail their ability to escape such violence or gain access to available information and support services.[1]

II. Measures taken by Member States

7. As at 1 June 2007, 22 Member States[2] had responded to the Secretary-General's request for information on the implementation of resolution 60/139. Responses by 11 Member States[3] received after the deadline as input for the previous report (A/60/137) on this subject have also been reflected in the present report.

8. Many of the Member States that provided information for the present report covered areas such as prevention, legislative measures and national plans to combat trafficking in women and girls, as well as support for victims. The linkages between trafficking and violence against women migrants had been noted; the subject of trafficking in women and girls will be addressed separately in a report to be submitted to the General Assembly at its sixty-third session, as requested in resolution 61/144.

A. Statistical information and research

9. Several States reported on efforts to record and study incidents of violence against migrant women. Specific studies were carried out in that regard, and efforts were also made to include that issue in more general studies and reports. The Ministry of Labour of Bahrain prepared periodic reports on and carried out statistical analyses of complaints concerning violence made by migrant women. Belarus kept sex-disaggregated data about callers using hotlines for migrants. The Women's Health Council of Ireland began a national study on the effects of violence on the health of migrant women. Morocco initiated research to monitor the situation of girl child domestic workers in the province of Casablanca. The State Observatory on Violence against Women of Spain established a working group to analyse how measures to address violence serve migrant women. Ukraine reported on research indicating that between 2.5 million and 3.5 million citizens were currently working abroad, the majority of them young with medium to high levels of education. The Syrian Arab Republic stated that in February 2007, 19,227 domestic service workers, mostly from neighbouring Arab States, were officially registered there. The Secretariat for Human Rights of the Ministry of Justice of Argentina set up an observatory to study the situation of the Bolivian migrant community.

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[1] See A/60/871, paras. 261 and 265, and A/61/122/Add.1, para. 153.

[2] Argentina, Bahrain, Brazil, Croatia, Cyprus, Egypt, Finland, Indonesia, Ireland, Japan, Mexico, Palau, Poland, Portugal, Qatar, the Russian Federation, Saudi Arabia, Singapore, Slovakia, Spain, the Syrian Arab Republic and Ukraine.

[3] Belarus, Georgia, Jordan, Malaysia, Morocco, the Netherlands, the Niger, Oman, Serbia, Thailand and the United Arab Emirates.

B. Legal measures

1. International obligations

10. As at 1 June 2007, 36 States had become parties to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which entered into force on 1 July 2003. Five of the Member States that submitted information for the report had ratified the Convention. Several Member States drew attention to their adherence to other international and regional human rights instruments and to International Labour Organization conventions relevant to the situation of women migrant workers. Oman reported that the protection of women migrant workers was enhanced by its accession, in 2006, to the Convention on the Elimination of All Forms of Discrimination against Women.

2. Domestic legal measures

11. New or revised criminal laws that benefited migrant women, including through the prosecution of perpetrators of violence, were reported by several States. The Penal Code of Bahrain included provisions aimed at ensuring the protection of women migrant workers who were victims of harassment or similar abuse, particularly when the victim was a domestic worker or when the offender had control over the victim. Croatia amended its Criminal Code in 2004 to prohibit forced labour, slavery and servitude and instituted penalties for those convicted of such crimes. The implementation of article 273 (a) of the Criminal Code (2005) of the Netherlands, which made the exploitation of workers in the labour market a criminal offence, was expected to reveal the extent to which women migrant workers experience exploitation. Singapore reported that since its Penal Code was amended in 1998 to increase penalties for the abuse of domestic workers by employers or household members, there had been a decline in the number of reported cases, from 157 in 1997 to 23 during the first three quarters of 2006. Since 2001, 27 employers or household members had served prison sentences for the abuse of foreign domestic workers and had subsequently been barred from employing such workers again. In Thailand, women migrant workers who gave evidence to officials in connection with investigation, criminal interrogation or court proceedings relating to abusive employers were afforded special protection under Witness Protection Act B.E. 2546 (2003).

12. A number of Member States also provided information about legislation pertaining to the recruitment, remuneration and social integration of migrant women and the protection of their rights, as well as about the provision of services for migrant women victims of violence. In Argentina, Migration Law No. 25,871, which entered into force in 2004, broadened the rights of migrant workers in general and included a framework for reducing violence against women migrant workers and ensuring access to justice. In Germany, an amendment to the Immigration Act was under discussion in parliament and included measures to prevent forced marriages and to support the integration of migrants. The Employment Permits Act 2006 of Ireland benefited migrant workers, as it called for the issuance to employees of permits that contained a statement of rights and entitlements regarding remuneration and of the right to change employers. The Act prohibited employers from deducting recruitment expenses from remuneration and from retaining a migrant worker's personal documents, including passports and driving licences. Spouses of employment permit holders were entitled to apply for an employment permit in their

own right and thereby gain independent status. Any employer who contravened the provisions of the Act was liable to prosecution.

13. Several States reported on aspects of labour law and regulations that specifically addressed the issue of women migrants. In Serbia, the Law on the Protection of Citizens Working Abroad (2005) provided protection and guidance relating to employment by foreign employers of citizens and members of their families during departure, work abroad and return. Laws in Oman and Qatar made it possible for women domestic workers who experienced violence, either by an employer or a household member, to terminate their contracts prematurely. The Ministry of Labour and Social Affairs of the Syrian Arab Republic required the use of a standard contract for domestic service that specified the monthly salary and included a requirement that employers provide adequate food, clothing, shelter and medical care for domestic workers. The employment contract also prohibited mistreatment of or violence against domestic women workers. In Thailand, the Labour Protection Act prohibited sexual harassment, granted migrant workers access to health care and guaranteed a minimum wage.

C. Policy and programme measures

1. National strategies, action plans and other mechanisms

14. Several States noted that national action plans to combat violence against women in general also provided protection for migrant women. In a few States, national action plans contained provisions aimed specifically at combating violence against women migrant workers. These included, in Slovakia, the National Strategy for the Prevention and Elimination of Violence against Women (2005-2008); in Germany the second National Action Plan to Combat Violence against Women (2007); and in Poland, the National Programme to Counteract Domestic Violence. The national strategy of Morocco to combat violence against women recognized violence against women migrant workers as an emerging issue. The Strategic Plan on Citizenship and Integration (2007-2010) of Spain established programmes to strengthen women migrant workers' participation in all areas of social life. The Plan called for the revision of policies on gender-based violence to better serve women migrant victims of violence. Mexico's National Institute for Migration incorporated a gender perspective into the design and implementation of migration policy.

15. A number of States also provided information on monitoring and redress procedures. In Argentina, the Tripartite Commission on equal opportunities for and treatment of men and women in the labour market included migrant women in its assessments of work-related violence. The Ministry of Manpower of Singapore conducted interviews with foreign domestic workers during their initial months of employment to check for any adjustment problems.

16. Indonesia established a national coordinating agency for the placement and protection of Indonesian workers overseas under presidential decree No. 8/2006, and also improved processes for the recruitment, pre-departure, placement and return of migrant women by uniting them under a "one-roof" service initiative. With the participation of related ministries, this special agency was responsible for evaluating and monitoring all aspects of sending migrant workers abroad, including efforts to combat violence against women migrant workers.

17. The Special Rapporteur on the human rights of migrants was invited by Indonesia to conduct a country visit in December 2006. The Special Rapporteur held dialogues with various stakeholders, observed the situation of women migrant workers in border areas and interviewed women migrant workers who had returned to Indonesia after either escaping or being deported following instances of severe abuse at the hands of employers and employment agencies.

18. In Ireland, as most domestic workers were migrant women, the Department of Enterprise, Trade and Employment published a code of practice setting out employment rights and protections for all persons employed in people's homes, including the right to privacy, the right to a written contract and the right to join a trade union.

19. The Labour Relations Administration of the Ministry of Labour of Bahrain and the Department of Labour Inspection of the Niger accepted complaints from women migrant workers concerning instances of violence. The Ministry of Labour of Saudi Arabia established a department that offered protection and support for migrant workers.

2. Prevention measures

20. Member States carried out a range of activities to raise awareness about violence against migrant women, including organizing campaigns and conferences, developing guidelines and information materials and creating websites. As part of its observance of the campaign entitled "16 Days of Activism to End Violence against Women", Argentina held a one-day conference on the theme "Migration, slave labour and gender". Belarus used the media, seminars and film to raise awareness among potential migrants of the dangers of working abroad, including abuse and sexual exploitation, aimed at ensuring that they did not become victims of trafficking. Mexico organized a range of events, including round-table discussions and designated days, to raise awareness of violence against migrant women among policymakers, civil society organizations and migrant women themselves.

21. Bahrain published guides in eight languages that provided information to foreign workers, including domestic servants, on their rights and obligations, and distributed them during the mandatory medical check-ups of foreign workers. Japan published pamphlets and created a website in seven foreign languages to inform victims of spousal violence about their rights under the law and about the services available to them. Portugal and Ireland produced leaflets on domestic violence intended for women migrants. In Finland, brochures and handbooks, available at municipal immigration offices, as well as at employment offices and immigrant advisory centres, contained information in several languages about Finnish society, including information regarding equality, orientation to working life and the use of protection orders in cases of domestic violence. Brazil and Mexico published guides aimed at educating migrant women about their rights and at preventing all forms of violence. In Serbia, the media provided information about legislation intended to secure safe and legal migration. Thailand translated its Labour Protection Act into Burmese, Khmer and Lao and disseminated relevant laws to provide migrant workers with information about their rights.

22. Capacity-building was an important strategy reported on by several Member States. Bahrain, Ireland, Mexico, Portugal, Slovakia and Spain carried out capacity-building activities to train Government officials and social service providers to

recognize and address violence against women migrant workers. In 2004, Bahrain trained hotline staff to handle complaints from women migrant workers who were victims of violence. A pilot project in Ireland for interpreters working with women who reported sexual assaults aimed to raise their awareness of such violence. The Department of Justice, Equality and Law Reform of Ireland also provided training to health-care providers on the rights of migrant workers, asylum-seekers, refugees and employees under the Employment Permits Act of 2006. In Mexico, the National Women's Institute collaborated with the National Institute for Migration to train officials on the rights of women migrant workers and the prevention of violence. The High Commission for Immigration and Ethnic Minorities of Portugal provided training on gender equality to leaders of immigrant associations with the aim of enhancing the empowerment and participation of immigrant communities. The prevention of violence against migrant women formed part of various education and training programmes carried out by the Offices of Labour, Social Affairs and Family of Slovakia. Spain intended to hold workshops for immigrant associations aimed at the eradication of female genital mutilation.

23. Policies concerning the migration process had been revised by several States with a view to reducing violence against women. The Ministry of Manpower of Singapore set the minimum age of a first-time domestic worker at 23, imposed an educational requirement of at least eight years of basic schooling and introduced mandatory programmes to educate employers and domestic workers on their respective rights and responsibilities. The United Arab Emirates took steps to eliminate potential exploitation in the recruitment of women migrant workers by eliminating the middleman from the process. Government ministries monitored employment agencies to ensure that they did not demand money directly from workers during the recruitment process but instead received an agreed commission from employers. The agencies' relationship with the workers terminated immediately upon their reporting to work after entering the United Arab Emirates.

3. Support measures

24. Member States introduced a number of measures to support migrant women, including shelters, one-stop centres, hotlines and improved information on and access to social services. Bahrain, Japan, Malaysia, Poland and Saudi Arabia reported that they had established shelters that provided services, including medical and psychological treatment as well as protection and legal counselling, to victims of violence.

25. Bahrain, Belarus, Finland, Indonesia, Ireland, Japan, Malaysia, Portugal, Singapore and Ukraine established telephone hotlines by means of which women migrant workers could seek advice and counselling on a range of issues, including violence against women.

26. Several States reported on social services oriented towards migrant women victims of violence. The Ministry of Social Affairs and Health of Finland, together with the non-governmental organization Monika-Naiset, which assisted and supported immigrant women who experienced violence, published a guidebook entitled "Immigrant women and violence — a guide to assistance provided by the social and health-care sector". The Tukeva Perhe and KokoNainen projects in Finland also provided training and produced materials to enhance the ability of social and health services to address violence against migrant women, including

honour-related violence, female genital mutilation and domestic violence. Japan established human rights counselling offices for foreign nationals in eight cities, where migrant women victims of violence can receive advice on legal remedies for violations of their rights, with the support of translation services. In Portugal, a comprehensive online database of resources for support for victims of domestic violence included a section on services available to the migrant population. In Malaysia, the *Rumah Nur* — women's services centres — served as one-stop centres open to all women victims of violence, providing counselling, legal literacy and temporary shelter.

4. Cooperation efforts

27. Cooperation efforts reported by Member States included bilateral labour agreements, cooperation with non-governmental organizations and collaboration with United Nations entities. Indonesia concluded bilateral labour agreements with several receiving countries, namely, Jordan, Kuwait, Malaysia and the Republic of Korea, that were aimed at promoting and protecting the rights of women migrant workers, including those who were undocumented. Qatar concluded bilateral agreements with labour-sending countries to enforce employment contracts that set out the rights and obligations of employees and employers, as well as dispute resolution mechanisms. Mexico concluded repatriation agreements with El Salvador, Guatemala, Honduras and Nicaragua that contained content specific to the protection of the rights of women migrant workers. Mexico organized events focusing on women and migration with the United States of America and with States on its southern border. Belarus and Ukraine reported on the conclusion of several bilateral agreements regulating working conditions and protecting the rights of migrant workers.

28. Several States, including Bahrain, Belarus, Ireland, Finland, Jordan, Mexico and Ukraine reported on collaboration with non-governmental organizations and United Nations agencies. Jordan signed a memorandum of understanding with UNIFEM for a three-year project entitled "Empowerment of women migrant workers in Jordan". The project included the formation of a committee on the improvement of the lives of women migrant workers, chaired by the Ministry of Labour. The membership of the committee included grass-roots organizations and representatives from the embassies of Indonesia, the Philippines and Sri Lanka,. The work of the committee led to the adoption of a model employment contract for female domestic workers that specified their basic labour rights.

III. Measures taken by United Nations intergovernmental and expert bodies

29. Since the adoption of resolution 60/139, a number of United Nations intergovernmental bodies continued to work to combat violence against women migrant workers. Their activities are summarized below.

A. General Assembly

30. Violence against women migrant workers was addressed by the General Assembly during its sixtieth and sixty-first sessions.

31. At its sixtieth session, the General Assembly called on Governments to incorporate a gender perspective in their policies on international migration, including the protection of women migrants from violence, discrimination, trafficking, exploitation and labour abuse (resolution 60/210).

32. At its sixty-first session, on 14 and 15 September 2006, the General Assembly held a High-level Dialogue on International Migration and Development during which the multidimensional aspects of international migration and development were discussed and the relationship between international migration, development and human rights was recognized. The Secretary-General's report (A/60/871), which informed the Dialogue, drew attention to violence against migrant women. It noted that policies related to international migration should be gender-sensitive so as to support the empowerment of female migrants and not place them in vulnerable situations (para. 86). The report also noted that married migrant women who were admitted as dependants under family migration and did not enjoy an independent migrant status or access to the labour market may, in particular, become vulnerable to abuse (para. 260). When women migrated as workers, the limitations they faced relative to migrant men included segregation into traditional, low-paid female occupations and greater vulnerability to sexual exploitation. In order to improve the benefits of the migration process for women, the report recommended that measures be underpinned by a genuine commitment by Governments to improve the overall status of all women (para. 265).

33. Also at its sixty-first session, following the launch of the Secretary-General's in-depth study on all forms of violence against women, the General Assembly called for the intensification of efforts to eliminate all forms of violence against women and urged Member States and entities of the United Nations system to take necessary action at many levels (resolution 61/143). It called upon States to take positive measures to address structural causes of violence against women and to strengthen prevention efforts that address discriminatory practices and social norms, including with regard to women who needed special attention, such as migrant women.

B. Commission on Human Rights/Human Rights Council

34. A number of Special Rapporteurs reporting to the Commission on Human Rights and subsequently to the Human Rights Council devoted attention to violence against women migrant workers.[4] No resolutions were adopted by the Commission on Human Rights or the Human Rights Council concerning violence against migrant women during the period covered by the present report.

35. The Special Rapporteur on the human rights of migrants highlighted allegations of abuse against migrant women by private recruitment agencies, including the confiscation, of documents, the imposition of harsh working conditions, and confinement, as well as treatment characterized as forced labour (E/CN.4/2006/73). Attention was drawn to reports of sexual abuse by employers of women who migrated as domestic workers. In the context of irregular migration, the

[4] During its first session, from 19 to 30 June 2006, the Human Rights Council decided to extend exceptionally for one year, subject to the review to be undertaken by the Council, the mandates and the mandate-holders of all the Commission's special procedures (see A/HRC/1/102).

Special Rapporteur noted that abuse took place mainly in the private sphere and underscored the responsibility of States for enforcing the rights of migrants.

36. The Special Rapporteur on violence against women, its causes and consequences pointed out that women working in globalized labour markets often found themselves in work environments where there was little or no monitoring of labour standards (E/CN.4/2006/61). While noting that women's involvement in the economy as migrant workers may be a source of empowerment, the Special Rapporteur also observed that some local and "traditional" forms of violence against women had become globalized. The need for States and international organizations to cooperate in order to develop sustainable solutions firmly grounded in international human rights law in relation to forced and voluntary migration was highlighted. The Special Rapporteur emphasized the need to ensure that all workers, regardless of their status, received adequate legal protection under national and international labour legislation.

37. In her first report to the Human Rights Council, the Special Rapporteur analysed issues relating to the intersection between culture and violence against women (A/HRC/4/34). The Special Rapporteur noted a trend towards redefining violence against migrant women as an integration rather than a gender-equality problem, which had further stigmatized and marginalized such women. Another area of concern identified by the Special Rapporteur was the tendency of immigrant communities to adopt fundamentalist interpretations of their culture in order to assert a group identity when experiencing ethnic or religious discrimination. As women were often regarded as transmitters or bearers of culture, violence was used to enforce women's compliance with such strict codes of conduct.

38. The Special Rapporteur on trafficking in persons, especially women and children analysed the relationship between trafficking and the demand for commercial sexual exploitation (E/CN.4/2006/62). In her first report to the Human Rights Council, the Special Rapporteur covered forced marriage in the context of trafficking in persons (A/HRC/4/23). Drawing from responses to a questionnaire sent to Governments, international organizations and non-governmental organizations, the Special Rapporteur concluded that as articulated in general recommendation 19 adopted by the Committee on the Elimination of Discrimination against Women, forced marriage was in itself a form of violence against women that further entrenched gender-based violence.

C. Commission on the Status of Women

39. At its fiftieth session, the Commission on the Status of Women considered the theme "Enhanced participation of women in development: an enabling environment for achieving gender equality and the advancement of women, taking into account, inter alia, the fields of education, health and work". In its agreed conclusions, the Commission called for the incorporation of a gender perspective in all policies and programmes on international migration, the promotion of the full enjoyment of human rights and fundamental freedoms by women migrants and efforts to combat discrimination, exploitation, ill-treatment, unsafe working conditions and violence, including sexual violence and trafficking. It also called upon States to facilitate family reunification in an expeditious and effective manner, with due regard to

applicable laws, as such reunification had a positive effect on the integration of migrants.

40. Also at its fiftieth session, the Commission on the Status of Women convened a high-level panel that held an interactive discussion on the theme "Gender dimensions of international migration", which served as input to the High-level Dialogue on International Migration and Development of the General Assembly. Violence against women migrants was identified as a critical issue, and participants recommended further examination of the living and working conditions of both legal and undocumented women migrant workers to identify their mistreatment and abuse.

41. At its fifty-first session, the Commission on the Status of Women considered follow-up at the national and international levels to the Secretary-General's in-depth study on all forms of violence against women. During an interactive discussion with a panel of experts, including the Special Rapporteur on violence against women, its causes and consequences, participants exchanged experiences and examples of initiatives to address violence against women. Participants highlighted migrant women's particular vulnerability to violence, which was due in part to poverty and lack of economic capacity and opportunity.

D. Human rights treaty bodies

42. In the period under review (June 2005 to June 2007), some of the treaty bodies established under international human rights instruments addressed issues relating to migration, including the enjoyment of human rights by women migrant workers and their families. The Committee on the Elimination of Discrimination against Women, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee on Migrant Workers, the Committee on the Rights of the Child and the Human Rights Committee paid attention to the specific issue of violence against migrant workers in concluding comments and observations on States parties and in other activities.

43. The Committee on the Elimination of Discrimination against Women was concerned that women who migrated in search of work opportunities, especially those who did so through informal channels, were vulnerable to becoming victims of violence, exploitation and trafficking. The Committee noted that there was a lack of legislation and policies on the rights of migrant workers, especially the rights of migrant domestic workers. The Committee called for studies to be undertaken on discrimination against migrant women and for statistics to be collected on their employment situation and on the various forms of violence they experienced. The Committee encouraged measures to enhance access to justice for migrant women in all instances of violations of employment rights. On a number of occasions, the Committee called for the adoption of comprehensive laws to safeguard the rights of women migrant workers, the creation of easily accessible avenues for redress and permission for victims of abuse to stay in a country while seeking redress, as well as for awareness-raising efforts targeted at migrant workers regarding their rights and the availability of social services. Concerned about female genital mutilation among migrant women of African descent, the Committee recommended that States take urgent action, including the enactment of legislation, to eradicate that harmful traditional practice.

44. The Committee on the Elimination of Discrimination against Women continued to work on a general recommendation on migrant women, which is expected also to address the question of violence against women migrant workers. The Committee wrote to the President of the General Assembly on the occasion of the High-level Dialogue on International Migration and Development to draw attention to that forthcoming general recommendation.

45. The Committee on Economic, Social and Cultural Rights was concerned that women working outside their country of origin were subject to abusive practices and infringement of their rights, in particular with regard to the enjoyment of economic, social and cultural rights. The Committee called for the protection and promotion of the rights of citizens working abroad through bilateral agreements and by ensuring that migrant workers and members of their families received sufficient information on their rights and obligations under international law and under the law and practice of the host country. The Committee also recommended the adoption of effective legislative measures to eliminate the exploitation and abuse of migrant domestic workers.

46. The Committee on the Elimination of Racial Discrimination was concerned about the situation of women migrant workers, especially those from indigenous communities, who may be victims of multiple forms of discrimination and abuse, including long working days, lack of health insurance, physical and verbal ill-treatment, sexual harassment and the threat of being handed over to immigration authorities if undocumented. The Committee was concerned about the vulnerability of migrant women victims of domestic violence, who may not seek assistance or ask for separation or divorce for fear of expulsion. The Committee was concerned about substantial allegations of prejudice against women migrant domestic workers, as well as of confinement, rape and physical assault, especially in connection with their working conditions, as they often did not benefit from protection under labour law.

47. The Committee on the Rights of the Child expressed concern about the situation and vulnerability of the children of migrant workers, including the high number of working and migrant children among indigenous communities, as well as about alleged human rights violations of migrant workers and their families, such as arbitrary arrests and detentions, especially by local police. The Committee was concerned about cases of the torture and cruel and degrading treatment of migrant children. The Committee recommended that States parties develop and implement policies to better protect and serve children of migrant workers, monitor the practice of domestic and rural labour performed by children, investigate such cases and provide victims with the appropriate services for care, recovery and social integration.

48. The Committee on the Rights of the Child adopted general comment No. 6 (CRC/GC/2005/6) on the treatment of unaccompanied and separated children outside their country of origin. The general comment highlighted the vulnerability of that group to exploitation and abuse and noted that girls were at particular risk of gender-based violence and of being trafficked, including for purposes of sexual exploitation.

49. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families reviewed three initial reports during the period covered. Positive aspects noted by the Committee included the availability of training courses

for officials on the content of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families with special emphasis on the rights of women migrants. The Committee expressed its concern that indigenous women migrants suffered from dual discrimination in respect of their enjoyment of their rights, especially their economic, social and cultural rights, and were especially vulnerable to violations and abuses. It noted the extreme vulnerability of undocumented women migrant workers in domestic service, many of whom were subjected to illegal working conditions, degrading housing conditions, ill-treatment, extortion and even sexual harassment or rape by employers. The Committee recommended appropriate measures to protect migrant women, including through access to regular migration status and more systematic involvement of the labour authorities in monitoring working conditions. It also recommended that women migrant workers in domestic service be given access to mechanisms for bringing complaints against employers and that all abuses be investigated and punished.

50. In December 2005, the Committee held a day of general discussion on the theme "Protecting the rights of migrant workers as a tool to enhance development". The Committee submitted a summary (A/61/120) of its discussion to the High-level Dialogue on International Migration and Development. The Committee recommended that special attention be given to the protection of the rights of migrant women, in particular domestic workers.

51. The Human Rights Committee was concerned that migrant workers faced persistent discriminatory treatment and abuse in the workplace, had their official identification papers confiscated or retained and were not provided with adequate protection and redress. It noted that migrants were at high risk of being sold, trafficked and exploited. The Committee recommended that migrant workers be afforded full and effective access to social services, educational facilities and personal documents, adequate forms of redress and the right to form trade unions. In one case, it recommended the establishment of a governmental mechanism to which migrant workers could report violations of their rights by their employers, including the illegal withholding of their personal documents.

IV. Measures taken by entities of the United Nations system

52. The following entities of the United Nations system provided information on their efforts to combat violence against women migrant workers.

A. Division for the Advancement of Women, Department of Economic and Social Affairs

53. The question of violence against women was a priority area of work of the Division for the Advancement of Women in the period under review. Specific attention was devoted to violence against women migrant workers in the Secretary-General's in-depth study on all forms of violence against women (A/61/122/Add.1). The study highlighted violence against migrant women as an under-documented form of violence against women and discussed the particular vulnerability of undocumented and unskilled workers to violence, especially those in domestic service settings (paras. 91 and 222). The study noted that migrant women who

experienced intimate partner violence could not always have easy access to information, support services or means of redress owing to their status, which made it more difficult for battered immigrant women to escape their abusers (para. 153). The study underscored the need for States to integrate efforts to prevent violence against women into a wide range of programme areas, including immigration (para. 387).

B. Economic Commission for Latin America and the Caribbean

54. The Economic Commission for Latin America and the Caribbean, together with IOM, contributed to the organization of the Ibero-American Meeting on Migration and Development, which was held in Madrid in July 2006 and addressed the links between gender equality and migration. Participants noted that while migration may benefit women, it may also increase the risk of their rights being violated and make them more vulnerable to abuse and violence. Countries were urged to enact legislation to protect migrant women from violence.

55. ECLAC adopted resolution 615 (XXXI), which focused on, inter alia, the situation of women migrants. The Population Division of ECLAC prepared a report on the relationship between migration and human rights.

56. At the fifteenth Ibero-American Summit in 2005, Heads of State or Government adopted the Declaration of Salamanca, which contained a commitment to the protection of the human rights of migrants and the eradication of all forms of discrimination against them.

C. United Nations Development Fund for Women

57. The United Nations Development Fund for Women continued to implement the Asia-Pacific and Arab States Regional Programme on Empowering Women Migrant Workers in Asia, launched in 2001. The programme focused on women migrant domestic workers and was active in Bangladesh, Cambodia, Indonesia, the Lao People's Democratic Republic, Nepal and the Philippines as countries of origin, and in Hong Kong, Jordan and Thailand as destinations. It promoted policy dialogue, advocacy and sharing of good practices among Governments, as well as the strengthening of women migrant workers' capacities and their economic and social security in origin and employment countries.

58. One of the activities implemented through the programme was a study, commissioned by UNIFEM, entitled "Mapping the migration process of women migrant workers in Jordan (2005)". The findings led the Government of Jordan to adopt standard contracts for migrant domestic workers aimed at reducing the incidence of violence. UNIFEM continued to support radio shows aired by the Cambodian Centre for Human Rights to increase public awareness about gender equality and safe migration. UNIFEM co-hosted, in Bangkok in December 2005, a high-level Government meeting of countries of employment on good practices to protect women migrant workers and provided technical assistance to the Ministry of Labour of Thailand in developing rights-based and gender-sensitive contracts for foreign domestic workers.

D. United Nations Population Fund

59. The United Nations Population Fund and partners undertook research on women migrant workers, including on violence against women migrants, in the Latin American and Caribbean region. UNFPA supported the capacity-building of national and regional stakeholders, including training on human rights for the national police and migration police in Costa Rica and Nicaragua. Following an expert group meeting hosted by IOM and UNFPA in May 2006 on the theme "Female migrants: bridging the gaps throughout the life cycle", the two entities agreed to establish a joint task force to define collaboration at the policy and programmatic levels on the topic of female migration.

60. The UNFPA report *State of World Population 2006: A Passage to Hope — Women and International Migration* covered the diverse experiences of women migrant workers, including their vulnerability to sexual violence and sexual exploitation, their risk of contracting infectious diseases and problems associated with poor health. The report concluded that policy responses would be more likely to succeed if based on strong and accurate data analysis.

E. International Research and Training Institute for the Advancement of Women

61. The International Research and Training Institute for the Advancement of Women considered the issue of violence against women migrant workers as part of its work on violence against women and the feminization of migration. INSTRAW identified a need for further research, capacity-building and dissemination of information on various aspects of migrant women's lives, including the link between women migrant workers' economic situation and earnings and their vulnerability to violence. A conceptual framework and research methodology for conducting a gender analysis of remittances and their impact on households and gender relations was developed.

F. International Labour Organization

62. As part of its efforts to address the social dimensions of globalization, ILO focused on the interlinkages between forced labour, child labour, illegal migration and trafficking. The ILO strategy for combating violence against migrant women involved preventing exploitation and abuse and promoting gender-sensitive regulated and managed migration policies, bilateral and multilateral agreements and labour standards for migrant workers within the "decent work" framework.

63. In 2005, a tripartite meeting of experts adopted the non-binding Multilateral Framework on Labour Migration, a key document for promoting a rights-based strategy for migration policy. This framework provided guidance to ILO constituents on strengthening migration policies, while also giving a number of examples of good practices that addressed the vulnerability of women migrant workers.

64. The ILO guide *Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers* covered the full migration cycle from pre-departure to

reintegration into country of origin. The guide, available in 10 languages, had been used extensively to build the capacity of ILO constituents to protect women migrant workers and prevent abusive situations.

65. The ILO Special Action Programme to Combat Forced Labour, launched in 2001, continued to provide technical assistance, at the request of Member States, to address all aspects of forced labour, including trafficking. One project within the Programme mobilized action towards the social protection of workers, including migrant workers, in the informal economy.

G. United Nations Educational, Scientific and Cultural Organization

66. UNESCO planned to launch awareness-raising initiatives to educate migrant women and the general public about the rights of migrant workers, with special attention to the issue of violence. Measures would target professionals likely to come in contact with women migrant workers, such as teachers, law enforcement personnel, police officers, social workers and community leaders. UNESCO also addressed violence against migrant women as part of its efforts against trafficking.

H. International Organization for Migration

67. The International Organization for Migration contributed to the implementation of resolution 60/139 by conducting research and data collection on women and international migration and promoting bilateral cooperation between States as well as by promoting gender-sensitive international migration policies, including policies that regulate the recruitment and deployment of women migrant workers and focus on the protection of the rights of that group of women. It also continued to undertake counter-trafficking activities by providing information on legal migration channels and safe migration.

68. The International Organization for Migration implemented several projects relevant to women migrant workers in various countries, including conducting a qualitative study of migrant women factory workers in Ho Chi Minh City, Viet Nam; assessing the situation of women migrant domestic workers in Lebanon with a view to enhancing legislative and policy frameworks; holding a regional workshop in the Philippines to foster collaboration and ethical recruitment practices among public and private employment agencies of sending countries and with selected employer representatives of receiving countries in the European Union; and raising awareness and advocacy for the provision of medical and psychological care and legal advice for victims of sexual violence in Mexico.

69. UNFPA and IOM organized an expert group meeting in May 2006 on the theme "Female migrants: bridging the gaps throughout the life cycle" to discuss the needs, challenges, opportunities and rights of female migrants. The meeting brought together experts from countries of origin, transit and destination, as well as representatives from Governments, international agencies, non-governmental organizations and diaspora organizations. It aimed to formulate a set of recommendations for action as a contribution to the High-level Dialogue on International Migration and Development and to support the mainstreaming of the needs and rights of women migrants in the Dialogue. Participants discussed the protection that should be afforded to migrant women, the information and training

they needed to protect themselves from abuse and the urgent need to combat sexual violence and abuse of migrant women and to regularize women's migration and employment in order to reduce their risk of suffering such violence and abuse.

V. Conclusions and recommendations

70. **During the period covered by the present report, increased attention was paid to the issue of violence against women migrant workers by Member States, entities of the United Nations system and expert bodies and mechanisms. The High-level Dialogue on International Migration and Development of the General Assembly and the launch of the Secretary-General's in-depth study on all forms of violence against women contributed significantly to this heightened attention.**

71. **Several States had enacted policies to better regulate the migration process and protect women migrants from violence, including through enhanced contractual relations between workers and employers. States provided information on criminal and labour laws that also covered the situation of women migrant workers. A number of countries of origin and destination concluded bilateral and regional agreements and regulated the contractual employment of migrant workers.**

72. **While mechanisms were in place in a number of States to study the situation of migrant women, little statistical data on the incidence of violence against women migrant workers was provided.**

73. **Awareness-raising measures included advocacy and education campaigns, pre-employment orientation, and capacity-building for government officials, law enforcement personnel and social service providers. Support measures available for migrant women victims of violence included crisis centres, shelters, hotlines and health, social and legal services. Several States held round tables and conferences, some with regional participation.**

74. **In line with agreements in global policy forums, recommendations made by human rights treaty bodies and experience gained from measures already undertaken, international migration policies should be gender-sensitive in order to ensure that they support the empowerment of female migrants. This should include, inter alia, efforts to provide migrant women with residency status independent of that of male family members and permission to work when admitted for family reunification. Such independent status would enable migrant women to more easily integrate in host communities and contribute to the prevention of violence, abuse and exploitation.**

75. **Greater efforts are needed to assess the effectiveness of general migration legislation and policy in the prevention and elimination of all forms of violence suffered by women migrant workers. Legislation, including labour laws and redress mechanisms, should effectively protect women migrant workers from violence and ensure their access to justice, including by ensuring the right of victims of abuse to stay in the country while seeking redress; enhancing monitoring of working conditions of migrant women, especially those in domestic service; and providing effective complaint and investigation mechanisms leading to the punishment of violators.**

76. **States should complement legislative measures with more targeted and systematic measures to prevent and respond to violence against women migrant workers, taking into consideration the particular vulnerabilities and constraints migrant women may face. These measures should include comprehensive awareness-raising initiatives for migrant women and the general public in sending and receiving countries concerning the rights of women migrant workers.**

77. **States should strengthen training and capacity-building measures for Government officials, including law enforcement agents, labour inspectors, immigration and border police officers and social workers, as well as community leaders and other professionals likely to come into contact with migrant workers, to sensitize them to the issue of violence against women migrant workers in various settings. Effective measures of support for migrant women victims of violence should be put in place, including access to shelters, legal aid and medical, psychological, social and economic assistance.**

78. **Measures to address violence against women migrant workers should be continuously monitored, their impact assessed and corrective measures taken. More should also be done to assess the prevalence of different forms of violence suffered by this group of women in various settings, including the home, the workplace and society in general.**

79. **States should ensure respect for and the protection of the human rights of women migrants, irrespective of their immigrant status. Of particular importance is the need to continue to study and address the linkages between migration and trafficking, with a particular focus on the need to protect women from all forms of violence. States, entities of the United Nations system and civil society should be encouraged to place greater emphasis on clarifying these linkages in order to contribute to the development of more effective policies.**

80. **Governments should be encouraged to ratify international instruments that address migration issues, particularly the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the United Nations Convention against Transnational Organized Crime and its two Protocols and all relevant ILO conventions. Furthermore, the special rapporteurs reporting to the Human Rights Council on the human rights of migrants, on violence against women, its causes and consequences, and on trafficking in persons, especially women and children, as well as all human rights treaty bodies, should be invited to continue to pay attention to the situation of women migrant workers, and to violence against women migrant workers in particular.**